



APPLICATION ACCEPTED: May 30, 2013
DATE OF PUBLIC HEARING: July 31, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 24, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-MA-039

MASON DISTRICT

APPLICANT/OWNER: Jaime W. Zambrana

LOCATION: 7201 Pine Drive, Annandale, 22003

SUBDIVISION: Fairdale

TAX MAP: 71-1 ((07)) (C) 0001

LOT SIZE: 11,972 square feet

ZONING: R-4

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction in minimum yard requirements based on error in building location to permit accessory structure to remain 2.3 ft. from side lot line and decks 3.0 ft. and 3.8 ft. from side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

O:\gumk2\SP Cases\7-31) SP 2013-MA-039 Zambrana (Error)\SP 2013-MA-039 Zambrana Staff Report.docx

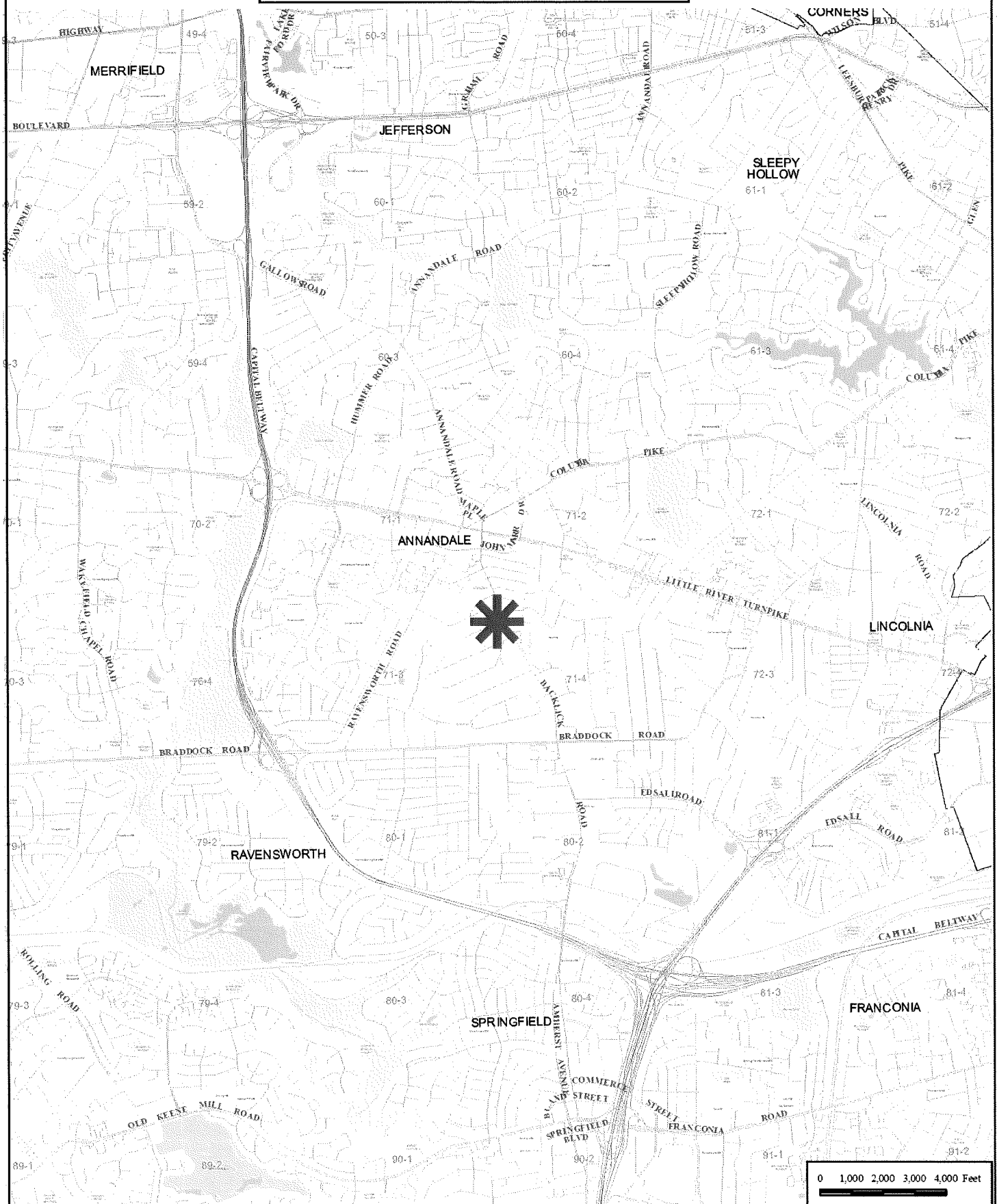
Laura Gumkowski

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

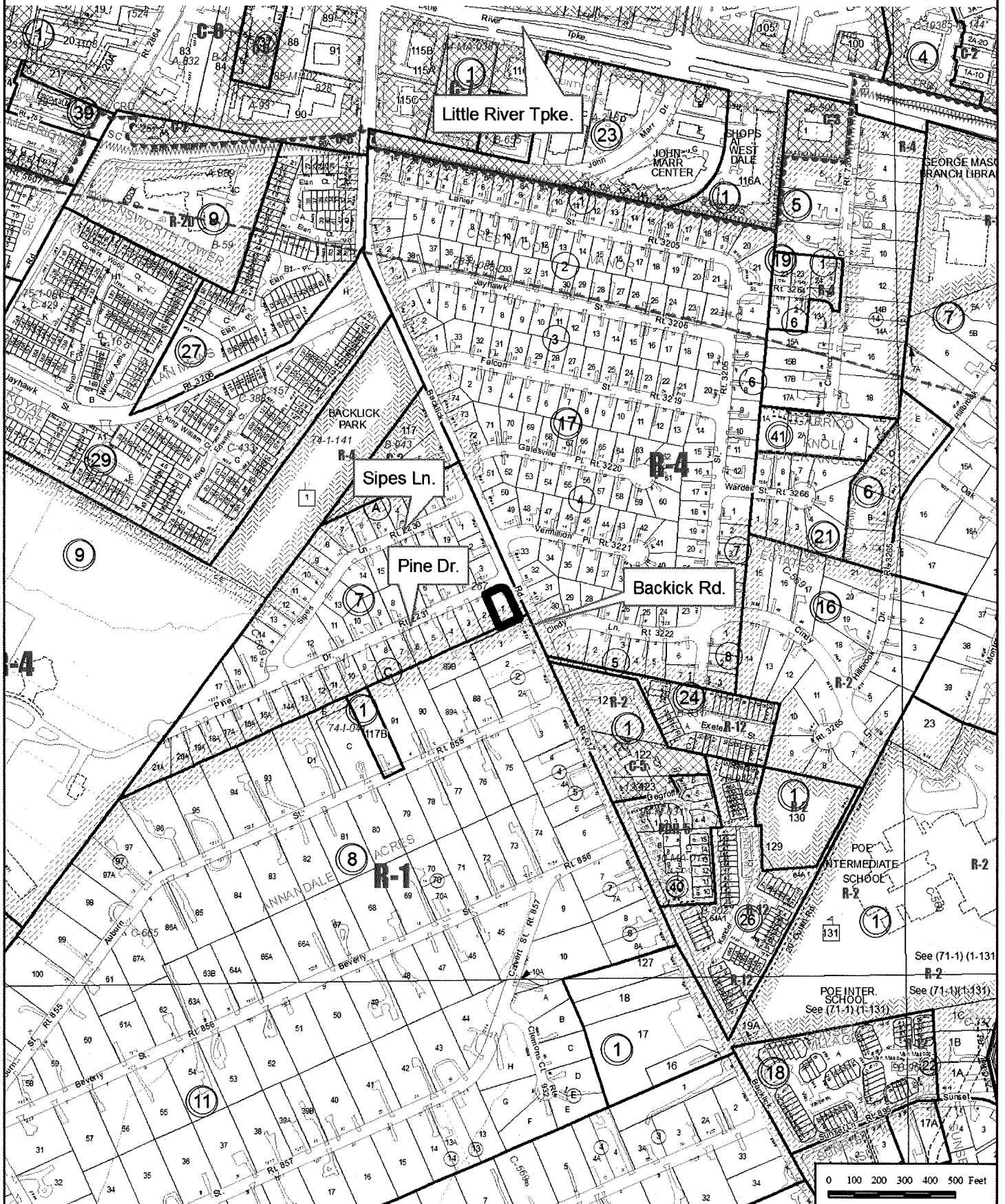


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit
SP 2013-MA-039
JAIME W. ZAMBRANA



Special Permit
SP 2013-MA-039
JAIME W. ZAMBRANA



NOTES:

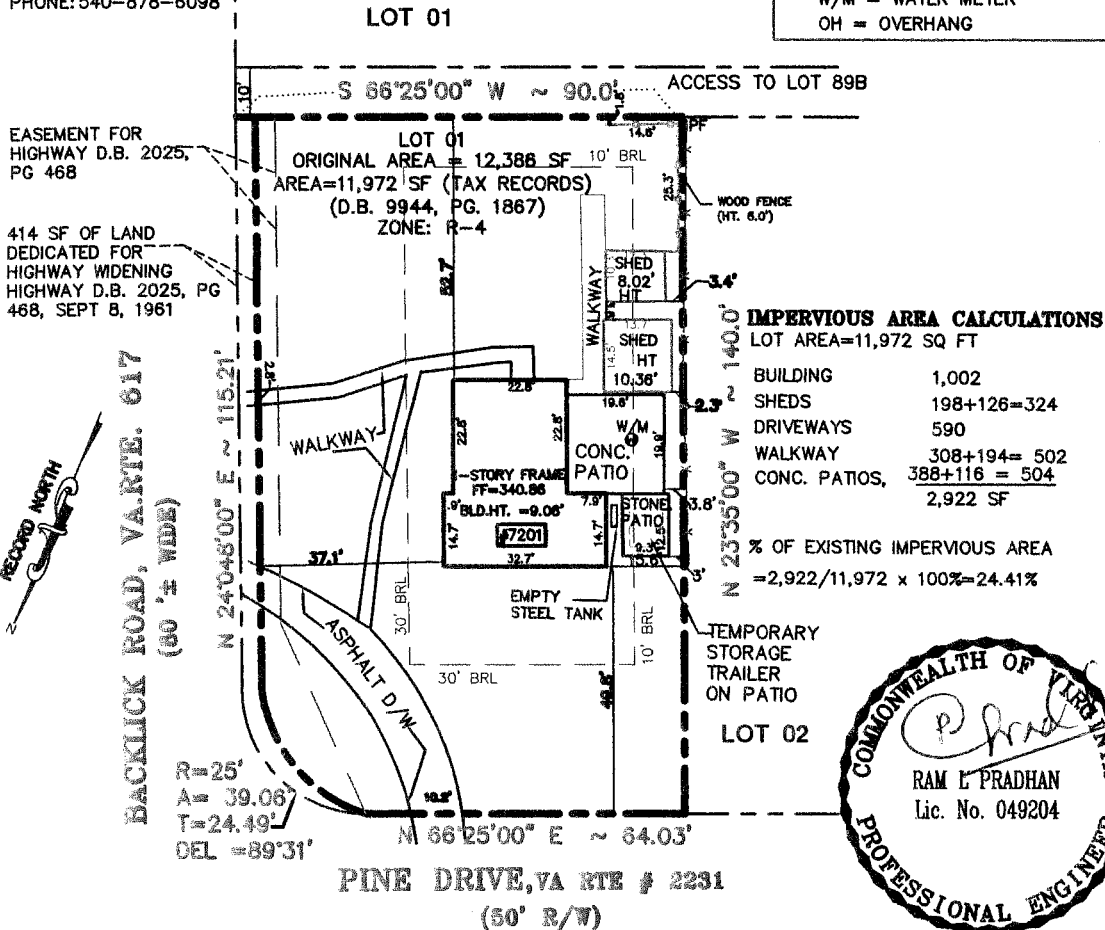
1. THE PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
2. THE SURVEY WAS NOT PREPARED FOR CONSTRUCTION PURPOSES (INCLUDING FENCES).
3. THE LOCATION OF FENCES ARE APPROXIMATE AND DO NOT CERTIFY TO OWNERSHIP.
4. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED ON TAX MAP # 71-1-((7))-(C)-01. PROPERTY CORNERS NOT SET.
5. NO KNOWN GRAVE SITE OR BURIAL SITE EXIST ON THE LOT.
6. THE PROPERTY IS SERVED BY PUBLIC WATER AND SANITARY SEWER SYSTEM.
7. THERE ARE NO KNOWN UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE ON SITE.
8. THERE ARE NO KNOWN MAJOR UTILITY EASEMENTS ON SITE.

PROPERTY OWNER:

JAIME W. ZAMBRANA
7201 PINE DR, ANNANDALE
VIRGINIA 22003
PHONE: 540-878-6098

LEGENDS

— BRL
— X — EX. WOOD FENCE
— — — — — PROPERTY LINE
IPF IRON PIPE FOUND
W/M = WATER METER
OH = OVERHANG



SPECIAL PERMIT PLAT

LOT 01, FAIRDALE
7201 PINE DRIVE, ANNANDALE
MASON DISTRICT
FAIRFAX COUNTY, VIRGINIA 22003

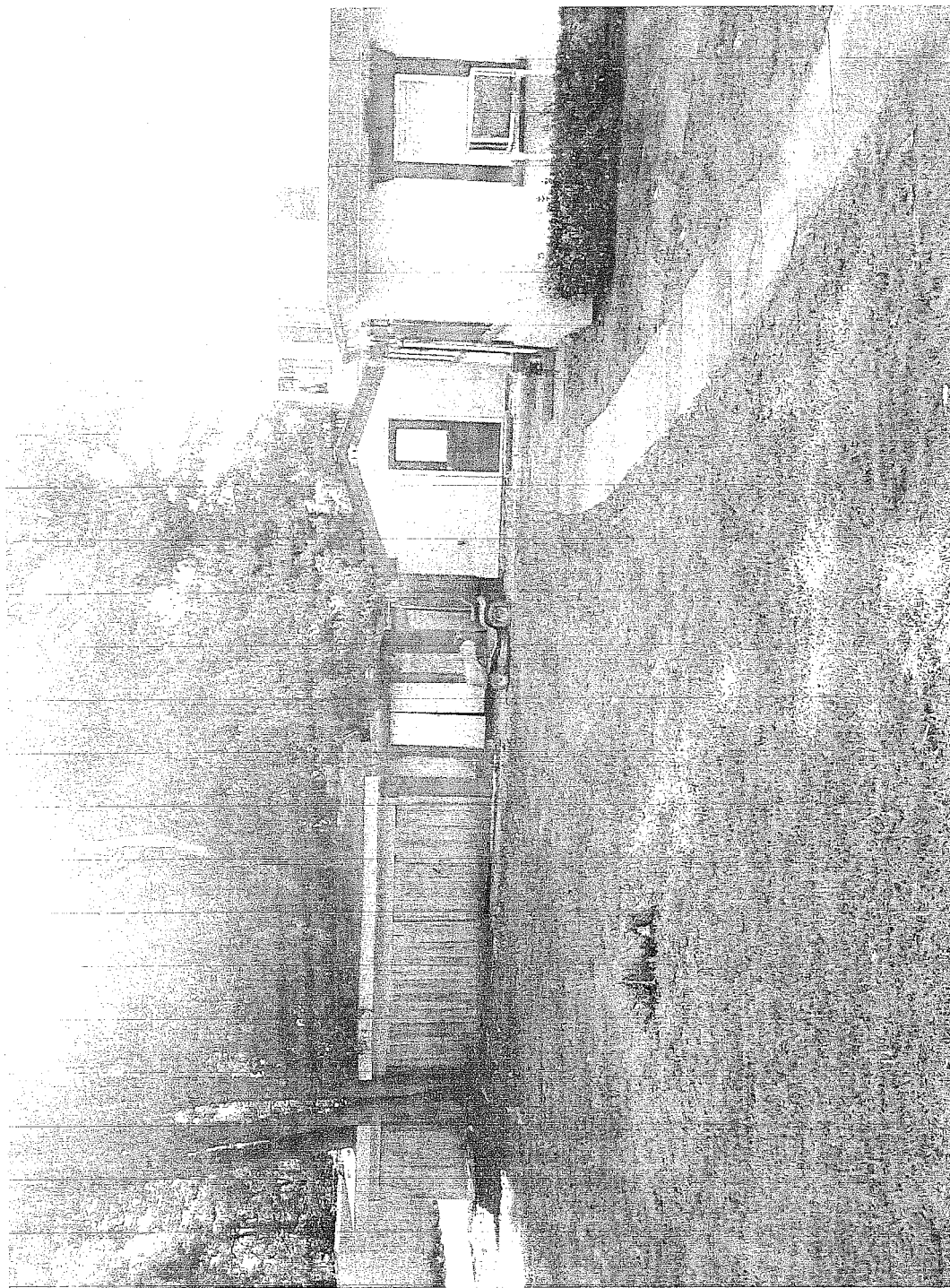
PREPARED BY

Inova Engineering Consultants, Inc
25209 LARKS TERRACE
SOUTH RIDING, VIRGINIA-20152
PHONE: (703) 655-3951

SCALE : 1" = 30' DATE: MAY 28, 2013

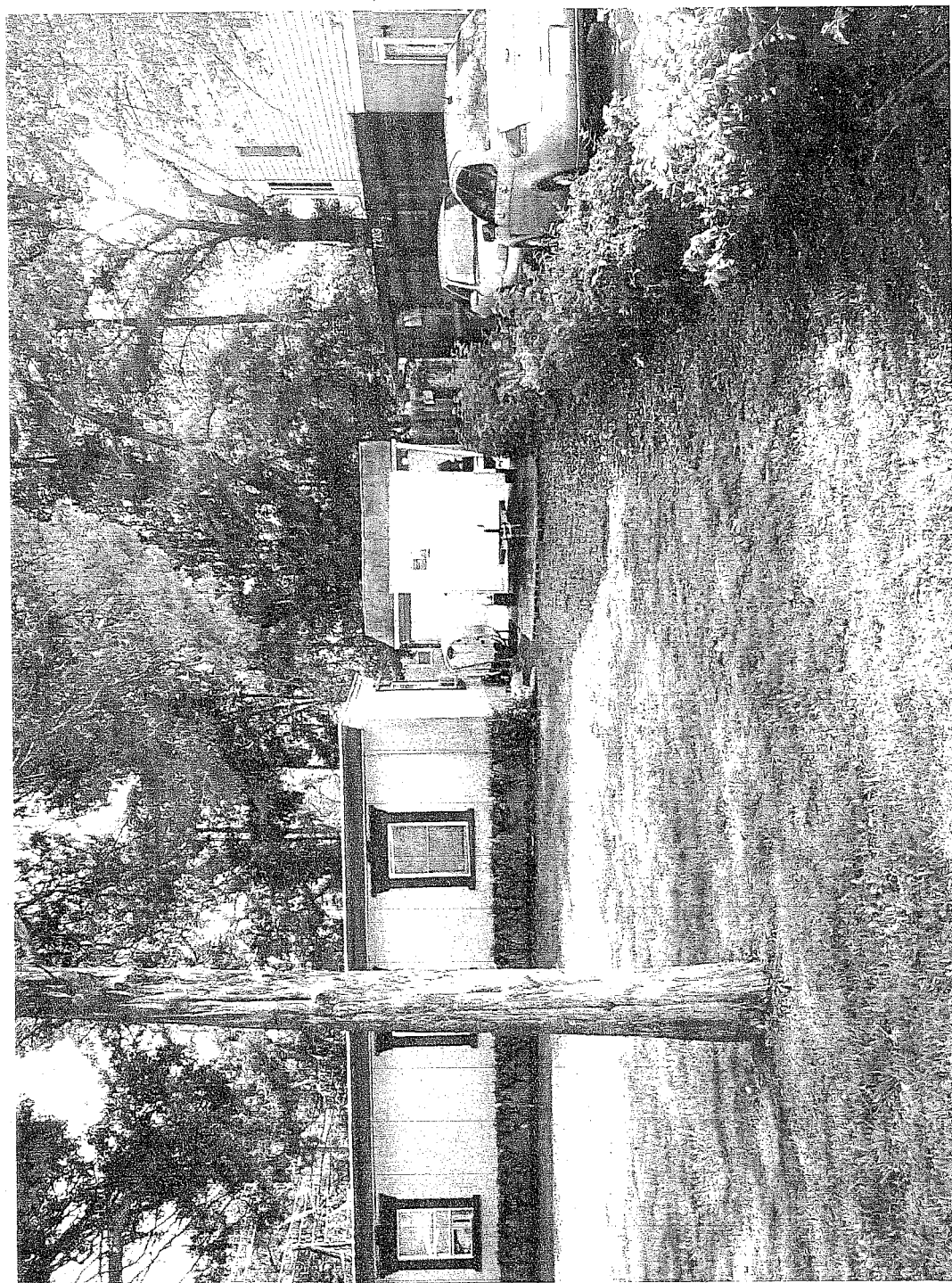
#1

VIEW FROM BACKLICK RD SIDE



#2

VIEW FROM PINE DR. SIDE



#3

VIEW OR LEFT SIDE OF SHED (TOWARD PINE DR)



#4

VIEW OR REAR SIDE OF SHEDS (FROM NEIGHBOR LOT) 7203
LOT-2



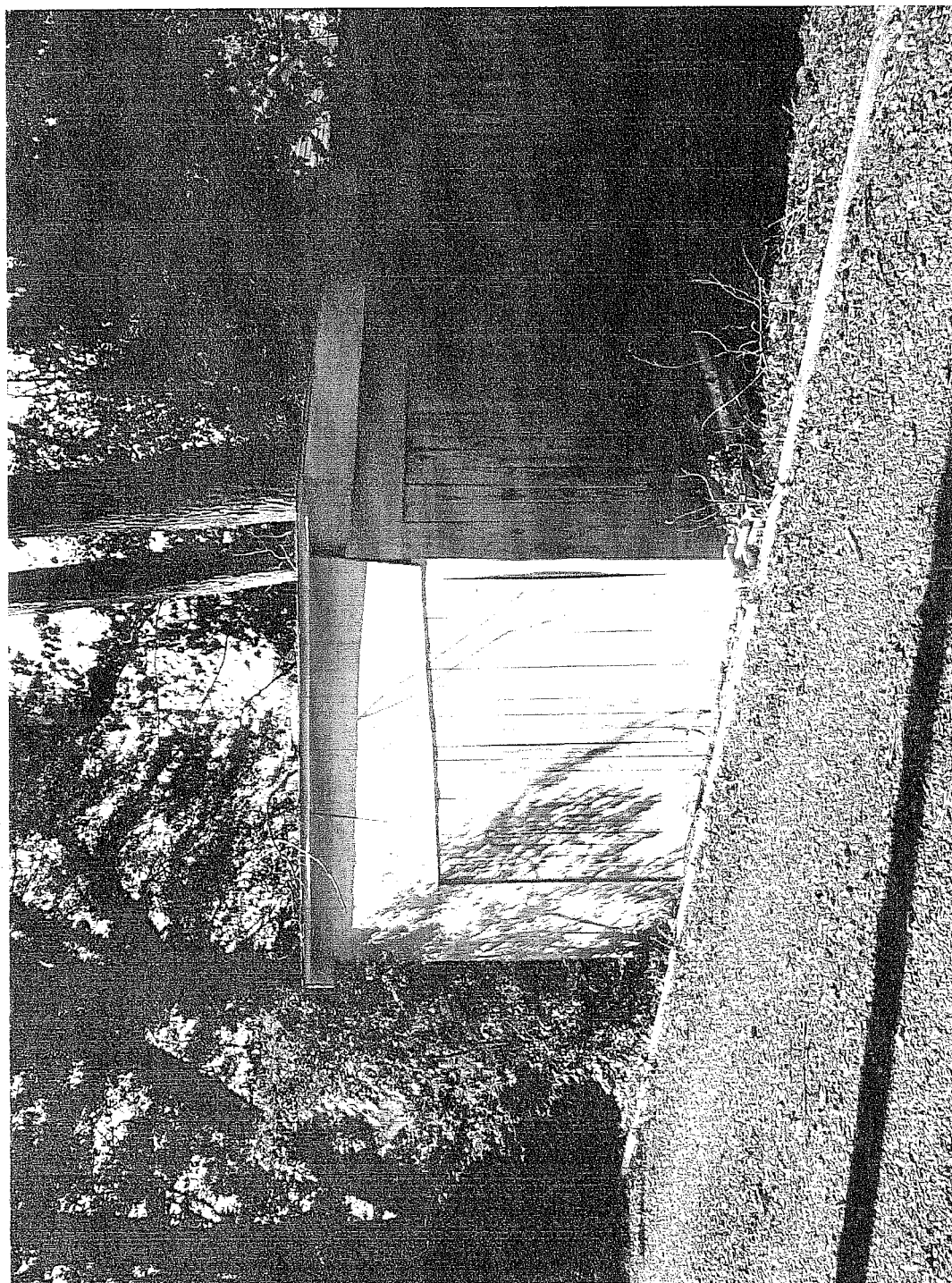
#5

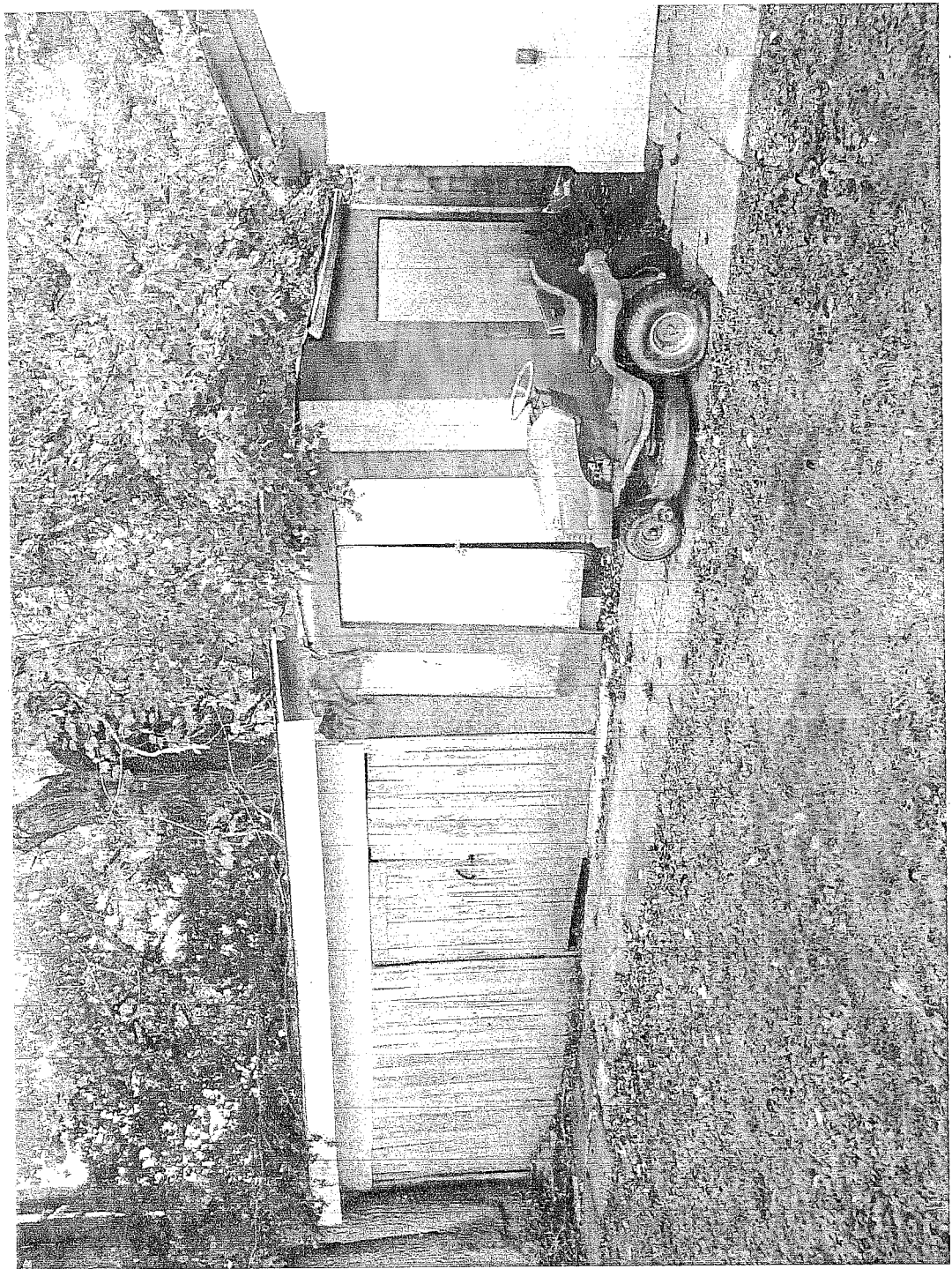
VIEW OR RIGHT SIDE OF SHEDS (FROM ACES TO LOT 89 B)

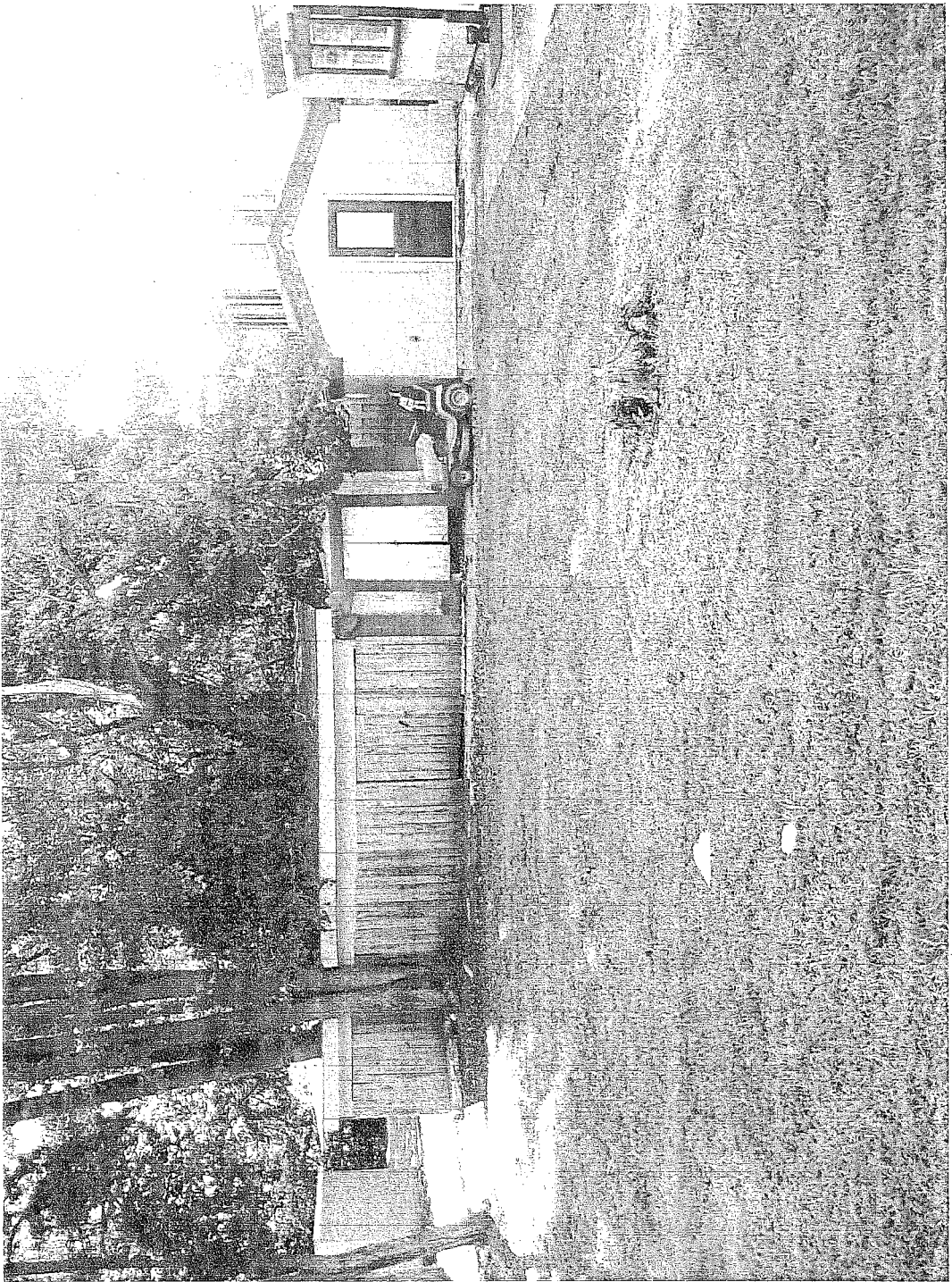


#6

VIEW OF RIGHT SIDE OF SHED

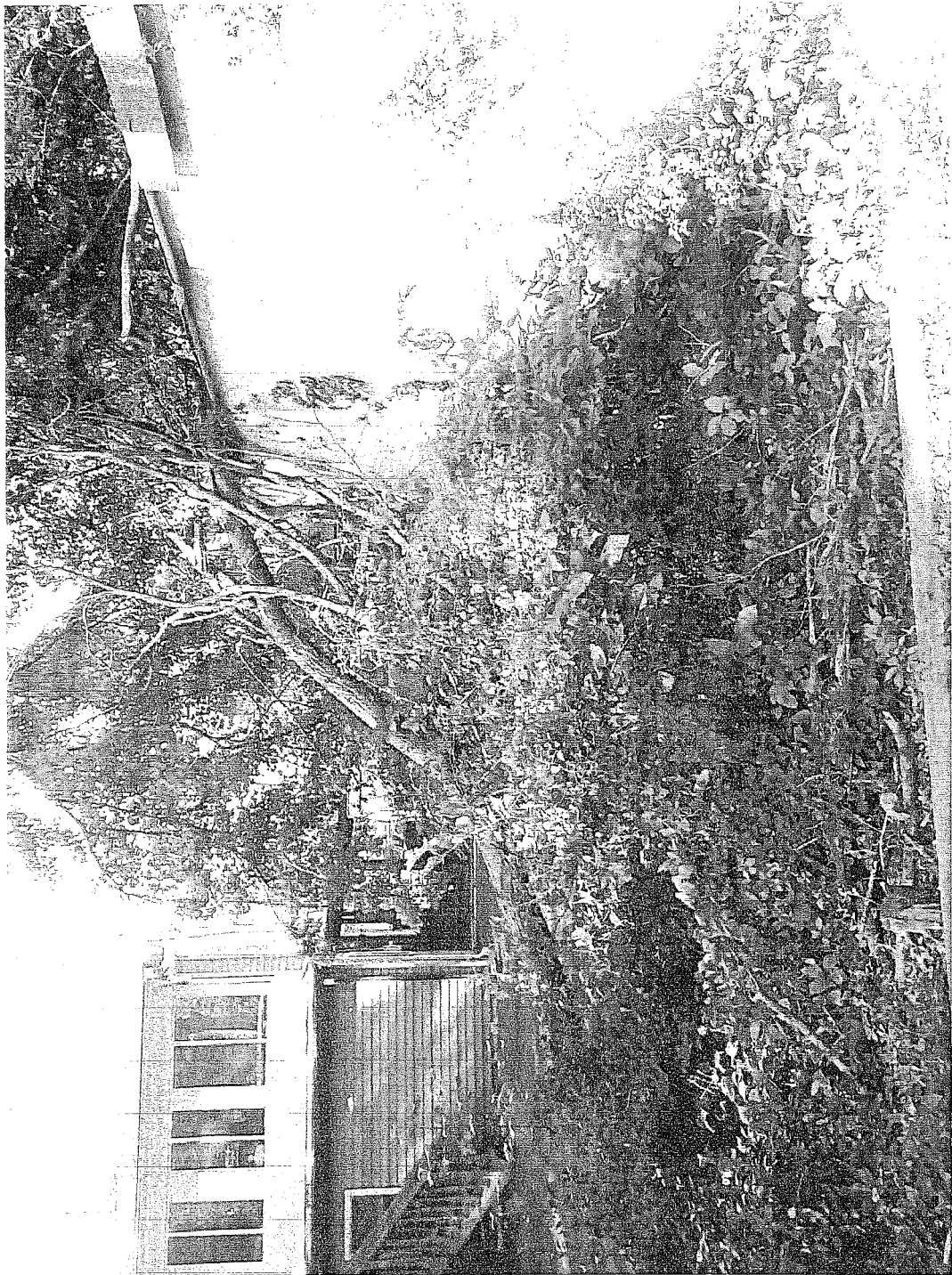


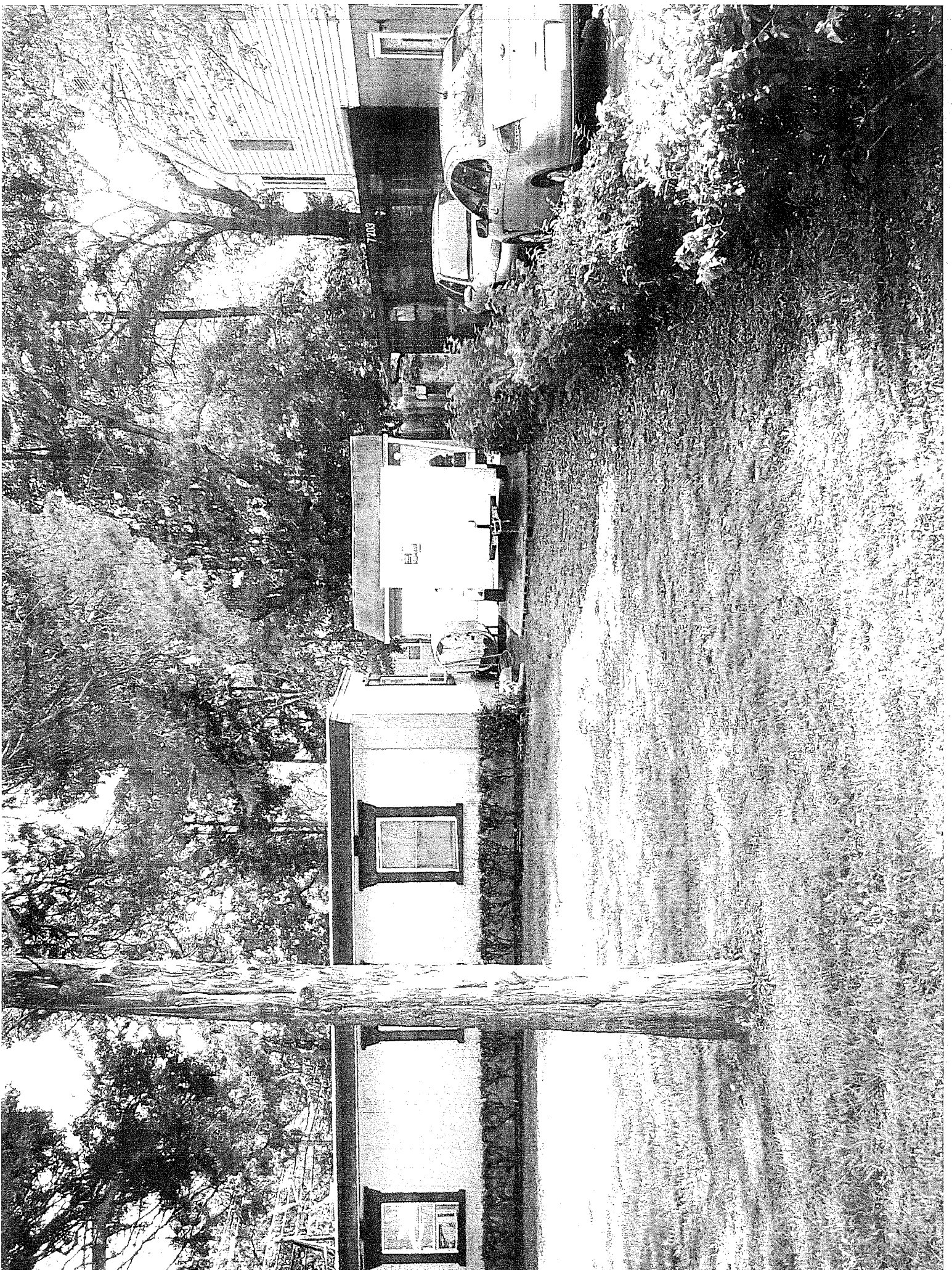


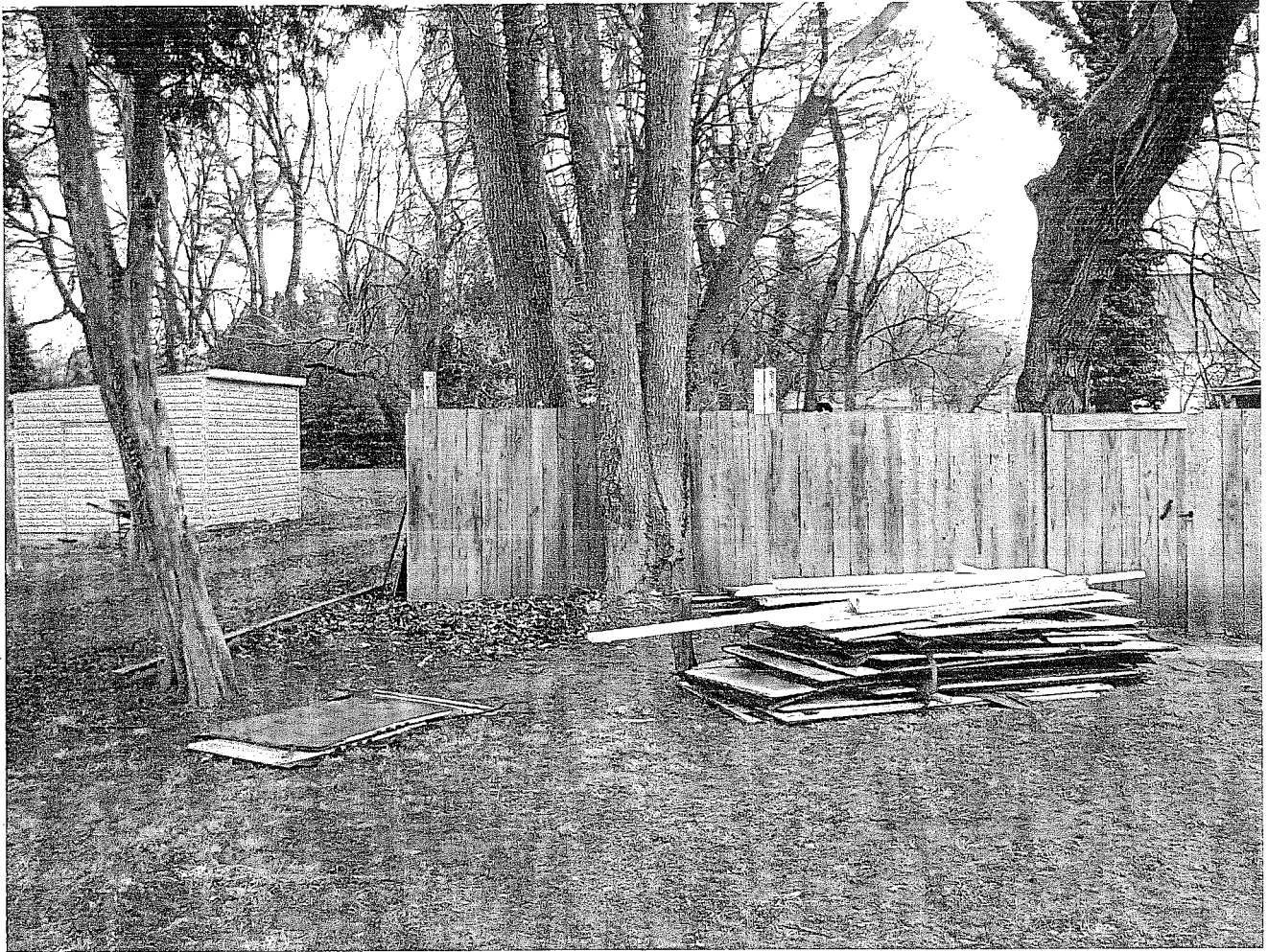




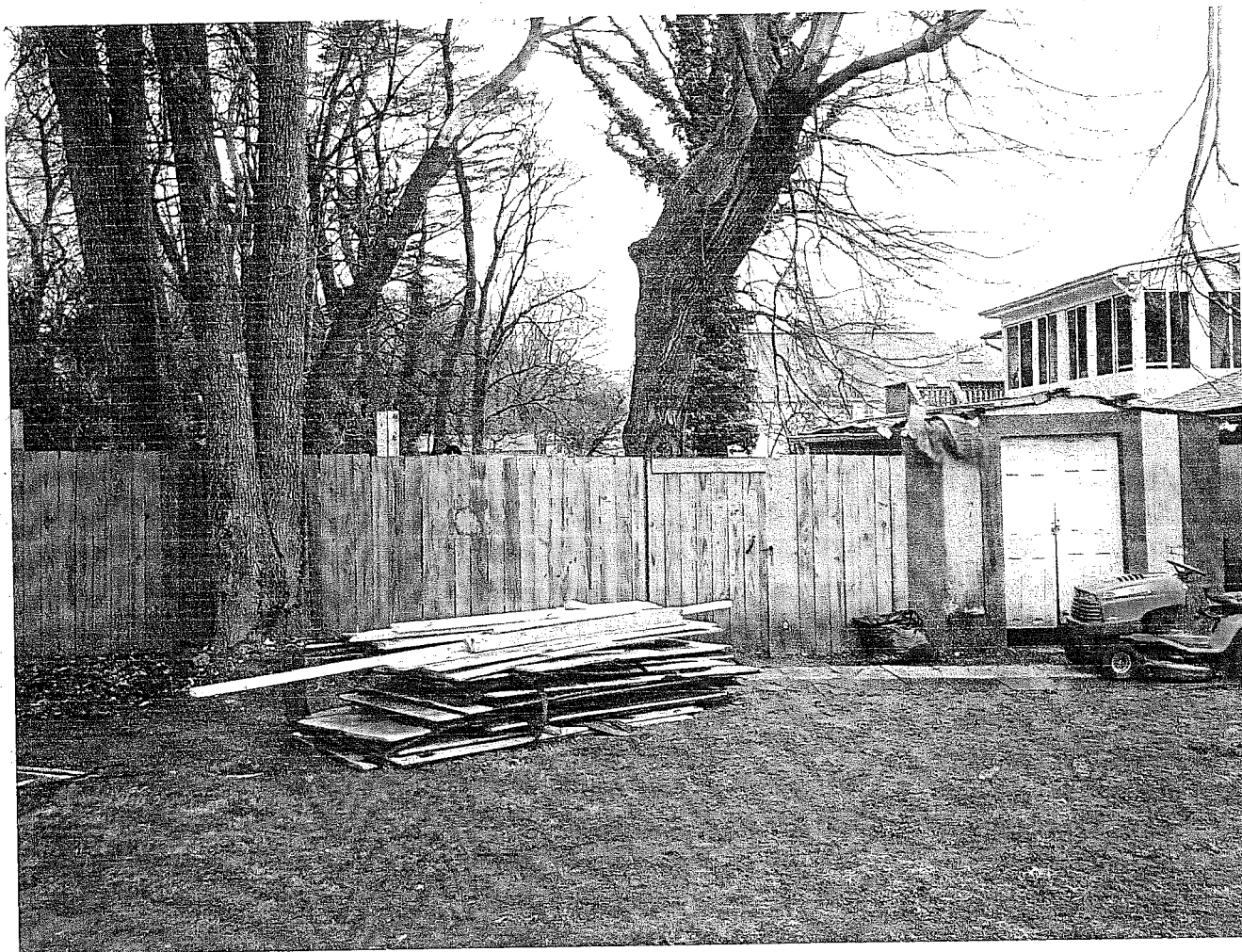


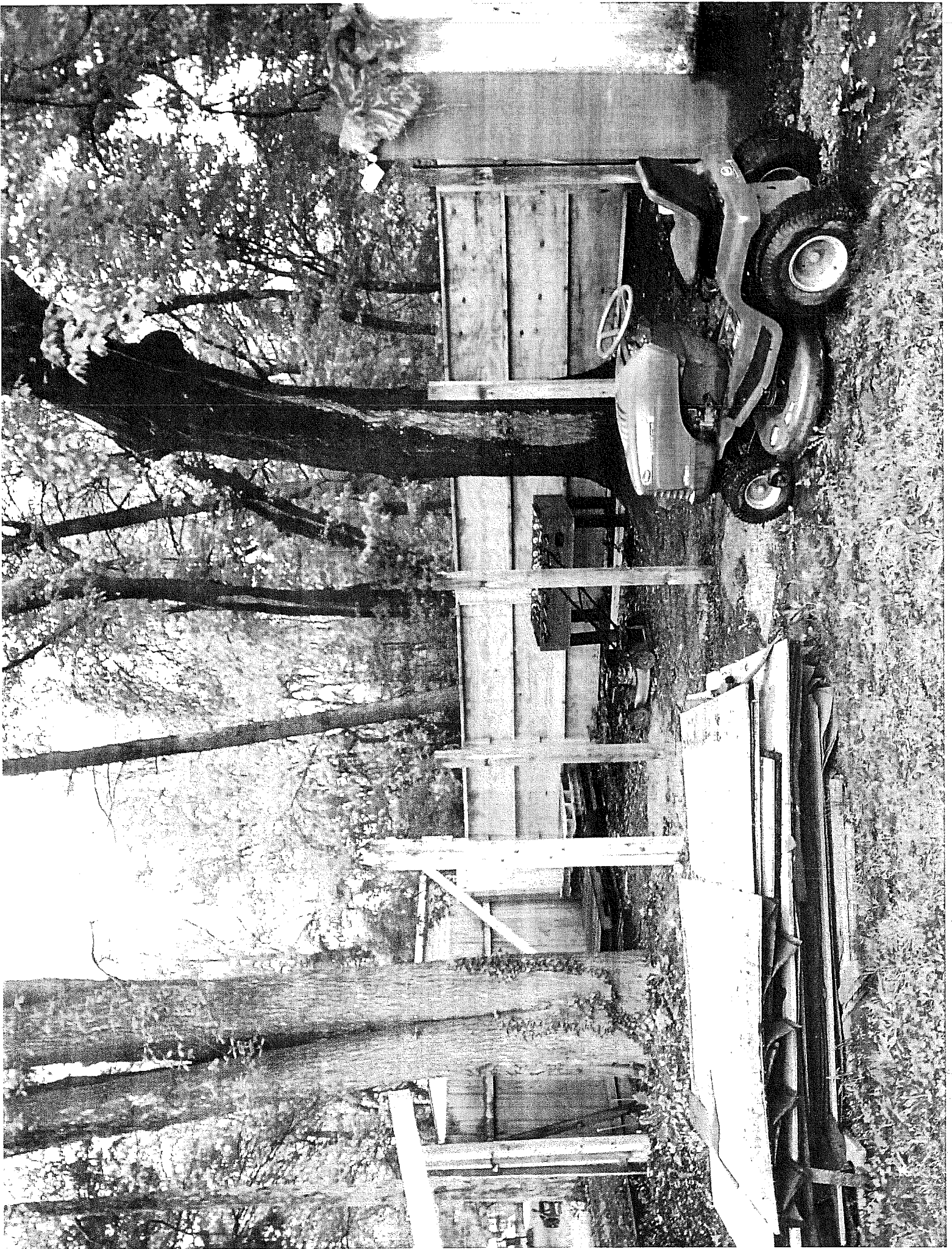






Removal of shed over 200 s.f.
JG







DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for a reduction in minimum yard requirements based on errors in building locations to permit a 10.36 foot high accessory structure, a laundry room (shown on the plat as a shed) to remain 2.3 feet from the western side lot line and two decks 3.0 feet and 3.8 feet from the western side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Special Permit #1	Accessory Structure	Side	10.0 feet	2.3 feet	7.7 feet	77%

	Structure	Yard	Min. Yard Req.**	Structure Location	Amount of Error	Percent of Error
Special Permit #2	Deck	Side	5.0 feet	3.0 feet	2.0 feet	40%

	Structure	Yard	Min. Yard Req.**	Structure Location	Amount of Error	Percent of Error
Special Permit #3	Deck	Side	5.0 feet	3.8 feet	1.2 feet	24%

*Minimum Yard Requirement per Sect. 3-407

**Permitted Extensions into Minimum Required Yards per Sect. 2-412

EXISTING SITE DESCRIPTION

The 12,386 square foot lot is developed with a one-story frame dwelling, constructed in 1950. The property is a corner lot with front yards located on Backlick Road and Pine Drive. A 10.36 foot high accessory structure (used as a laundry room), 198.65 square feet in area, is located to the southwest of the existing dwelling. An 8.02 foot high accessory storage structure, approximately 126 square feet in area, also exists to the southwest of the dwelling. An approximately 388 square foot concrete patio and a 116 square foot stone patio are located to the west of the dwelling. An asphalt driveway provides access to both Backlick Road and Pine Drive. A concrete paver walkway leads

from Backlick Road to the entrance of the house and extends to the driveway. A six foot high wood fence exists along a portion of the western property line. The property has a manicured lawn with mature trees and shrubs. A highway easement is located in the front yard along the Backlick Road.

CHARACTER OF THE AREA

	Zoning	Use
North	R-4	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
East	R-4	Single Family Detached Dwellings
West	R-4	Single Family Detached Dwellings

BACKGROUND

According to Fairfax County Tax Records, the applicant purchased the property in 1997. This property came to the county's attention through anonymous complaints. A Notice of Violation (NOV) was issued on February 8, 2012, for violations of contractor's offices and shops, outdoor storage, an accessory storage structure exceeding 200 square feet in gross floor area, and an accessory structure on a corner lot (Appendix 4). As of June 26, 2013, Department of Code Compliance staff maintains that the only outstanding issue from this NOV is one of the accessory structure on the property that is over seven feet in height. A separate NOV was issued on April 9, 2012, for a detached accessory structure (the same accessory structure in the February 8, 2012 NOV) with electrical and plumbing fixtures (Appendix 5). There is no building permit on file for the accessory structure in violation. The applicant has written that the accessory structure is used only as a laundry room and the office has been removed from the structure.

A copy of the submitted special permit plat titled "Special Permit Plat, Lot 01, Fairdale" prepared by Inova Engineering Consultants, Inc., dated May 28, 2013, is included at the front of this report.

Following the adoption of the current Ordinance, the BZA has heard the following special permit application in the vicinity of the application parcel:

- Special Permit, SP 2006-MA-017, was approved on July 11, 2006, for tax map 71-1 ((7)) (A) 0004, zoned R-4, at 7206 Sipes Lane, to permit a modification to minimum yard requirements based on error in building location to permit addition to remain 5.8 feet with eave, 2.0 feet from the side lot line.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Notice of Violation dated February 8, 2012
5. Notice of Violation dated April 9, 2012
6. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-MA-039

July 24, 2013

1. This special permit is approved for the locations of the accessory structure and decks as shown on the plat prepared by Inova Engineering Consultants, Inc., titled "Special Permit Plat, Lot 1, Fairdale" dated May 28, 2013, as submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the accessory structure within 6 months of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Application No.(s):

SP 2013-MA-039

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

10-11-2012

(enter date affidavit is notarized)

I, JAIME W. ZAMBRANA, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one)

☒
☐

applicant

applicant's authorized agent listed in Par. 1(a) below

118269

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME

ADDRESS

RELATIONSHIP(S)

(enter first name, middle initial, and last name)

(enter number, street, city, state, and zip code)

(enter applicable relationships listed in **BOLD** above)

JAIME W. ZAMBRANA

7201 PINE DR

ANNANDALE, VA 22003

APPLICANT

TITLE OWNER

(check if applicable)

[]

There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2013-MA-039
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Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-11-2012
(enter date affidavit is notarized)

118269

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-MA-039

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-11-2012
(enter date affidavit is notarized)

118269

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-MA-039
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-11-2012
(enter date affidavit is notarized)

118269

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2013-MA-039

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 10-11-2012
(enter date affidavit is notarized)

118269

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

JWZ: NONE
11-16-2012

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

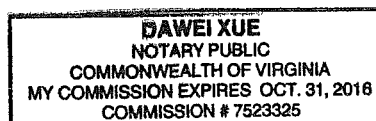
JAIME W. ZAMBRANA

(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 11th day of October 2012, in the State/Comm. of Virginia, County/City of Fairfax.

[Signature]
Notary Public

My commission expires: Oct. 31, 2016



April 10, 2013

Virginia H. Ruffner, Planner III
Application Acceptance Section, ZED, DPZ
Fairfax County, Va 22035

Re: **Special Permit Application – Jaime W. Zambrana**

Property Address: 7201 Pine DR
Annadale, Va 22030

Dear Mrs. Ruffner:

I, Jaime W. Zambrana would like to provide you justification for special permit application to meet requirements Checklist Report SP 2012-0229 dated February 25, 2013.

Item 5.08.

A listing, if known of all hazardous or toxic substances as set forth in title 40 code of federal regulation parts 116.4, 322.4 and 355; all hazardous waste as set forth in commonwealth of Virginia/departement of waste management regulations, and or petroleum products as defined in title 40, code of federal regulations part 280; to be generated, utilized stored, treated, and/or disposed of onsite and the size and content of any existing or proposed storage tanks or containers.

No hazardous or toxic substances are stored on site. The empty oil tank was there as it when I purchased this property in 1997. If required by the county, I will dispose the empty tank to the dumping site or approved disposal location as per state or county regulations. The tank is no longer in use.

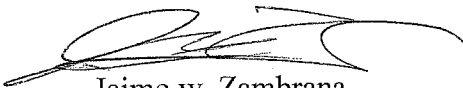
Item 5.09 , A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or ,if any waiver, exception or variance is sought by the applicant, such shall be specially noted with justification for such modification.

All the existing structures were on site when he purchased the property from the previous owner in 1997. The sheds are higher than allowable height 7 ft and encroach in to the building setback lines. This special permit is requested for allowance of the sheds to remain as it. No remodeling sheds will be performed on exterior surfaces. Bigger shed which intended to use as laundry room will be remodeled internally to meet building codes for the proposed use and obtain building permit to use as laundry room.

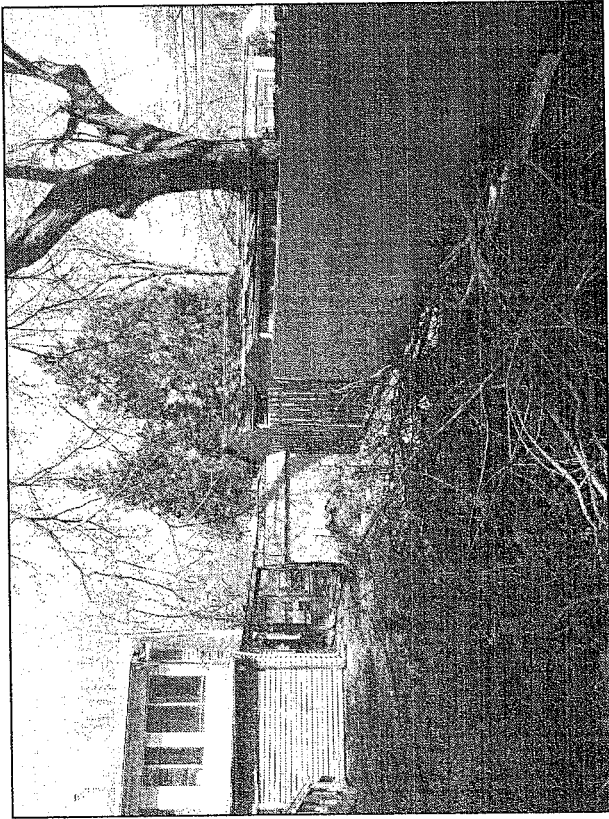
Item 912.00, Statement of justification explaining how the error in building locations occurred and any supportive material such as aerial photographs, building permit application, county assessment records, copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

I don't have any proof documentations or records of the structures on the site. I do not how the sheds were built. I did not receive any documentation about the those sheds and structures from the previous owner. This special permit plat is prepared to depict the existing site conditions and request for permission to remain the structures as it conditions. If any alternation or modification seek in future I will proceed for permit.

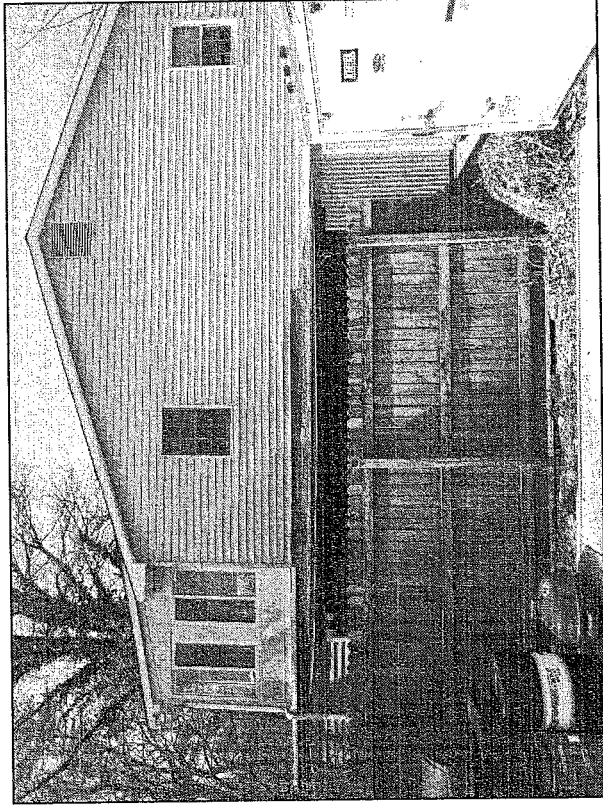
Sincerely,

A handwritten signature in black ink, appearing to read 'Jaime w. Zambrana', with a stylized flourish at the end.

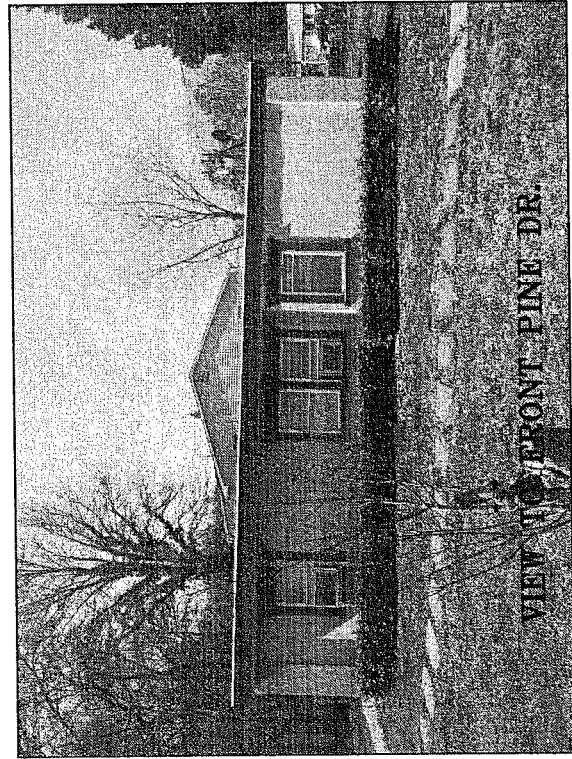
Jaime w. Zambrana
7201 Pine Drive, Annandale
(owner)



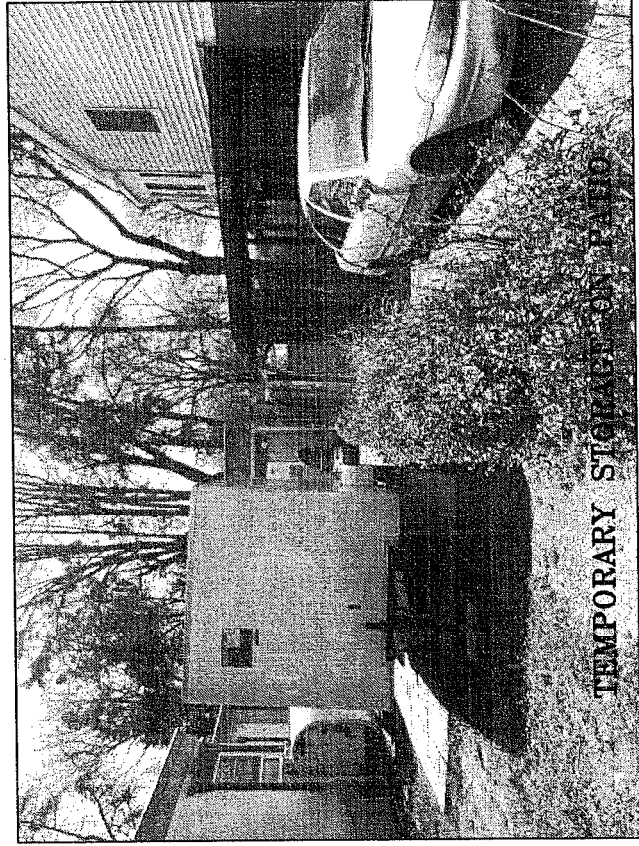
VIEW TO WEST FROM THE PROPERTY



FENCE WITH NEIGHBOR PROPERTY (WEST)



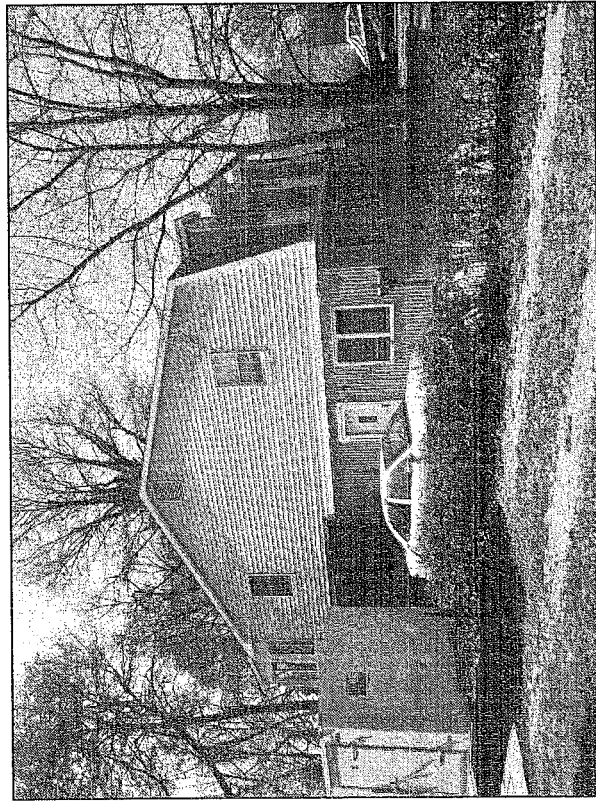
VIEW TO FRONT PINE DR.



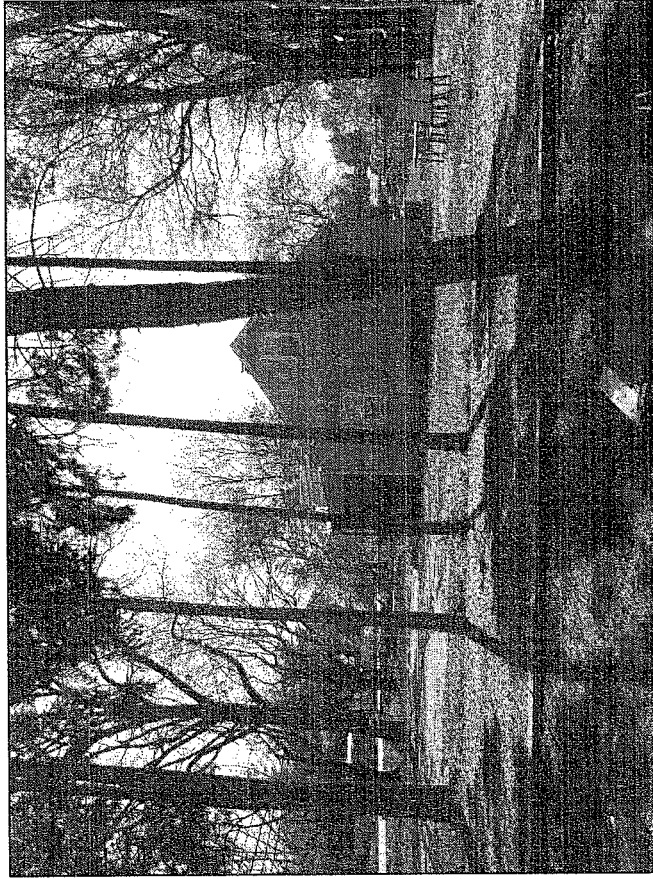
TEMPORARY STORAGE ON PATIO

PICTURES TAKEN FROM AND
THE TO THE PROJECT SITE

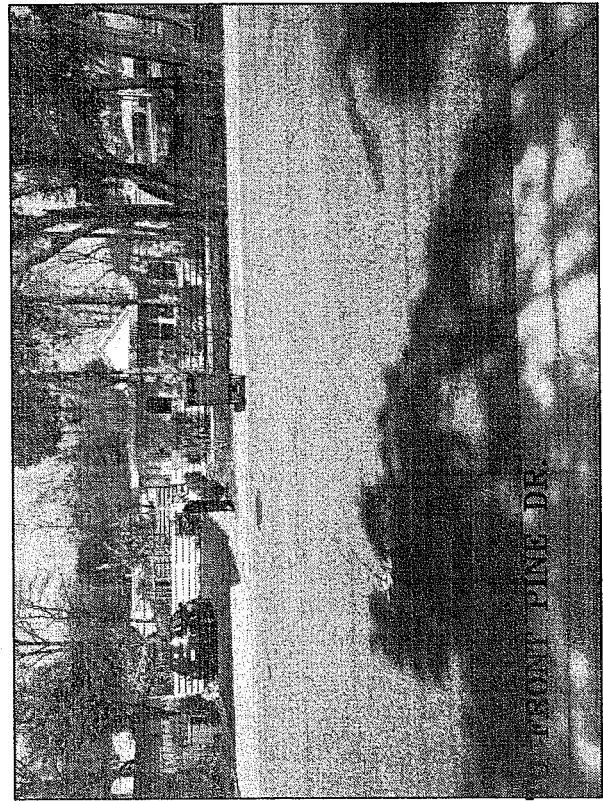
DATE: April 9, 2013.



VIEW TO WEST FROM THE PROPERTY

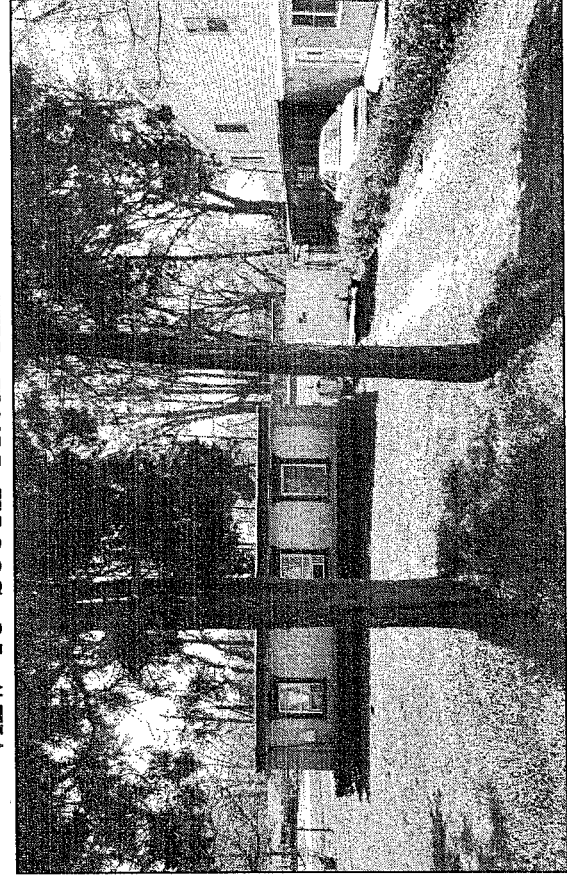


VIEW TO SOUTH FROM THE PROPERTY



VIEW

FRONT PINE DR.



FRONT VIEW FROM PINE DR.

DATE: April 9, 2013.

PICTURES TAKEN FROM AND THE TO
THE PROJECT SITE

Date: February 19, 2013

To: Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

From: Jaime W. Zambrana
7201 Pine Drive
Annandale, VA 22003

RECEIVED
Department of Planning & Zoning
FEB 19 2013
Zoning Evaluation Division

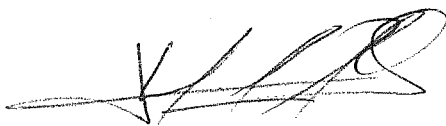
Re: Statement of Justification

To whom it may concern,

I Jaime W. Zambrana, am in need of getting this special permit to keep the existing building in my property. We only use these existing building for familiar use and domestic activities, like: deposit for personal belongings (clothes, toys, and some furniture), and laundry room. I need to keep this laundry room because I have two children, my son of 17 years of age and my daughter of 2 years of age, who are allergic. For this reason, we are unable to use public laundries. In reference to the adjacent sheds, I will reduce its size in accordance to the regulations of the county.

- A. The error exceeds ten (10) percent of the measurement involved, and
- B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- C. Such reduction will not impair the purpose and intent of this Ordinance, and
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- E. It will not create an unsafe condition with respect to both other property and public streets, and
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Sincerely,



Jaime W. Zambrana
Owner

Date: October 11th, 2012

TO: Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

From: Jaime W. Zambrana
7201 Pine Drive
Annandale, VA 22003

Re: Statement of Justification

To whom it may concern,

I Jaime W. Zambrana, am in need of getting this special permit to keep the existing buildings in my property. We only use these existing buildings for familiar use and domestic activities, like: deposit for personal belongings (clothes, toys, and some furniture), and laundry room. I need to keep this laundry room because I have two children, my son of 17 years of age and my daughter of 2 years of age, who are allergic. For this reason, we are unable to use public laundries. In reference to the adjacent sheds, I will reduce its size in accordance to the regulations of the county.

Sincerely,



Jaime W. Zambrana

OWNER

RECEIVED
Department of Planning & Zoning
OCT 11 2012
Zoning Evaluation Division

April 10, 2013

Virgina H. Ruffner, Planner III
Application Acceptance Section, ZED, DPZ
Fairfax County, Va 22035

Re: **Special Permit Application – Jaime W. Zambrana**

Property Address: 7201 Pine DR
Annadale ,Va 22030

Dear Mrs. Ruffner:

I, Jaime W. Zambrana would like to provide you justification for special permit application to meet requirements Checklist Report SP 2012-0229 dated February 25, 2013.

Item 5.08.

A listing, if known of all hazardous or toxic substances as set forth in title 40 code of federal regulation parts 116.4, 322.4 and 355; all hazardous waste as set forth in commonwealth of Virginia/departement of waste management regulations, and or petroleum products as defined in title 40, code of federal regulations part 280; to be generated, utilized stored, treated, and/or disposed of onsite and the size and content of any existing or proposed storage tanks or containers.

No hazardous or toxic substances are stored on site. The empty oil tank was there as it when I purchased this property in 1997. If required by the county, I will dispose the empty tank to the dumping site or approved disposal location as per state or county regulations. The tank is no longer in use.

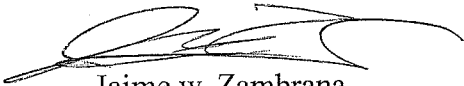
Item 5.09 , A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or ,if any waiver, exception or variance is sought by the applicant, such shall be specially noted with justification for such modification.

All the existing structures were on site when he purchased the property from the previous owner in 1997. The sheds are higher than allowable height 7 ft and encroach in to the building setback lines. This special permit is requested for allowance of the sheds to remain as it. No remodeling sheds will be performed on exterior surfaces. Bigger shed which intended to use as laundry room will be remodeled internally to meet building codes for the proposed use and obtain building permit to use as laundry room.

Item 912.00, Statement of justification explaining how the error in building locations occurred and any supportive material such as aerial photographs, building permit application, county assessment records, copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

I don't have any proof documentations or records of the structures on the site. I do not know how the sheds were built. I did not receive any documentation about those sheds and structures from the previous owner. This special permit plat is prepared to depict the existing site conditions and request for permission to remain the structures as it conditions. If any alternation or modification seek in future I will proceed for permit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jaime w. Zambrana', with a long horizontal flourish extending to the right.

Jaime w. Zambrana
7201 Pine Drive, Annandale
(owner)

Date: February 19, 2013

To: Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

From: Jaime W. Zambrana
7201 Pine Drive
Annandale, VA 22003

RECEIVED
Department of Planning & Zoning
FEB 19 2013
Zoning Evaluation Division

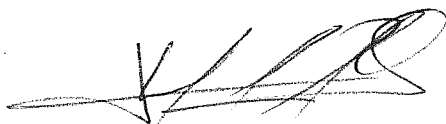
Re: Statement of Justification

To whom it may concern,

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- A. The error exceeds ten (10) percent of the measurement involved, and
- B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
- C. Such reduction will not impair the purpose and intent of this Ordinance, and
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
- E. It will not create an unsafe condition with respect to both other property and public streets, and
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

Sincerely,



Jaime W. Zambrana
Owner

Date: October 11th, 2012

TO: Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, VA 22035

From: Jaime W. Zambrana
7201 Pine Drive
Annandale, VA 22003

Re: Statement of Justification

To whom it may concern,

I Jaime W. Zambrana, am in need of getting this special permit to keep the existing buildings in my property. We only use these existing buildings for familiar use and domestic activities, like: deposit for personal belongings (clothes, toys, and some furniture), and laundry room. I need to keep this laundry room because I have two children, my son of 17 years of age and my daughter of 2 years of age, who are allergic. For this reason, we are unable to use public laundries. In reference to the adjacent sheds, I will reduce its size in accordance to the regulations of the county.

Sincerely,



Jaime W. Zambrana

OWNER

RECEIVED
Department of Planning & Zoning
OCT 11 2012
Zoning Evaluation Division



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: February 08, 2012

SHERIFF'S LETTER

CASE #: 201108341 **SR#:** 78840

SERVE: Jaime W. Zambrana
7201 Pine Drive
Annandale, Virginia 22003

LOCATION 7201 Pine Drive
OF VIOLATION Annandale, Virginia 22003-5846
Tax Map #: 71-1 ((7)) (C) 1
Zoning District: R-4

Dear Property Owner:

An inspection of the above referenced property on January 18, 2012 revealed the following violations of the Fairfax County Zoning Ordinance.

§ 2-302 (5) Contractors Offices and Shops:

An investigation revealed the following equipment and materials are being stored on this property:

A closed utility trailer, a commercial pick-up truck, ladders, tools and equipment, a stockpile of building materials and other miscellaneous items.

Furthermore, a business office has been established in an accessory building on this property.

Therefore, you are operating a contractors offices and shops which is described in Article 20 of Fairfax County Zoning Ordinance as:

Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting,

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet.

A contractors offices and shops is not a permitted use in the R-4 District. Therefore, you are in violation of Par. 5 of Sect. 2-302 of the Zoning Ordinance which states:

No use shall be allowed in any district which is not permitted by the regulations for the district.

You are, hereby, directed to clear this violation within thirty (30) days of receipt of the date of this notice. Compliance must be accomplished by:

- Ceasing, on a permanent basis, the operation of a contractors offices and shops, and remove from the property all items and materials associated with this contractors offices and shops to a lawful location.

§ 10-102 (24) Outdoor Storage

§ 2-302 (6) Accessory Use must comply with Article 10:

An inspection has determined that you are allowing the storage of items in the front and side yards of the address listed above. These items consist of but are not limited to the following:

Concrete blocks, a pallet, lumber, ladders, floor tile, household trash, roofing shingles, and other miscellaneous items.

This outdoor storage:

Exceeds 100 square feet in area, and

Is not located in the rear half of the lot, and

Is not screened from view from the first story window of any neighboring dwelling.

This outdoor storage is violation of Par. 24 of Sect. 10-102 of the Fairfax County Zoning Ordinance that states in part:

Storage, outdoor in R districts, provided such storage is located on the rear half of the lot, is screened from the view from the first story window of any neighboring dwelling, and the total area for such outdoor storage does not occupy more than 100 square feet.

Therefore, you are in violation of Par. 6 of Sect. 2-302 of the Zoning Ordinance that states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Part 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by the following:

- Removing all outdoor storage from this lot; or
- Relocation of the outdoor storage to the rear half of the lot, and
- Screening it from the view from the first story window of any neighboring dwelling, and
- Limiting it to a total area not exceeding 100 square feet.

§ 10-102 (25) Accessory Storage Structure exceeding 200 square feet in GFA
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately four hundred twenty seven (427) square feet in area on this property which is zoned R-4. The Fairfax County Zoning Ordinance permits accessory storage structures so long as they conform to Par. 25 of Sect. 10-102 of the Zoning Ordinance is which permits:

Storage structure, incidental to a permitted use, provided no such structure that is accessory to a single family detached or attached dwelling in the R-2 through R-20 Districts shall exceed 200 square feet in gross floor area.

Therefore, as this accessory storage structure exceeds 200 square feet in area in the R-4 District, you are in violation of Par. 25 of Sect. 10-102 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or
- Reducing the square footage of this accessory storage structure so it does not exceed 200 square feet in area.

§ 10-104 (12F) Accessory Structure Corner Lot
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory structure, which measures approximately nine (9') feet ten (10") inches in height, is approximately four hundred twenty seven (427) square feet in area and is located on the side and rear lot lines.

Furthermore, a second accessory structure identified as a laundry/office, which measures approximately ten (10) feet two (2) inches in height, is approximately one hundred eighty eight (188) square feet in area and is located approximately twenty four (24) inches from the side lot line.

The Fairfax County Zoning Ordinance permits accessory structures to be located in minimum required yards; however, if the structure exceeds seven (7) feet in height, it must be located on the lot so as to comply with Par. 12F of Sect. 10-104 of the Zoning Ordinance which states:

On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:

- (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
- (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.

The minimum required side yard distance in the R-4 District is ten (10') feet as detailed in Par. 2.A (1) (b) of Sect. 3-407 of the Zoning Ordinance.

Therefore, as these accessory structures exceed seven (7) feet in height and are not located in accordance with the provisions of Par. 12F of Sect. 10-104 above, it is in violation of Par. 12F of Sect. 10-104 and Par. 6 of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par. 1 of Article 10.

You are hereby directed to clear this violation within thirty (30) days of the date of this Notice. Compliance can be accomplished by:

- Removing the accessory structures from the property in their entirety; or
- Reducing the height of the structures to seven (7') feet in height or less to allow them to remain at their present location; or
- Relocating the structures to a distance from the rear and side lot

lines in accordance with Par. 12F of Sect. 10-104 of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at (703) 324-1290.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions.

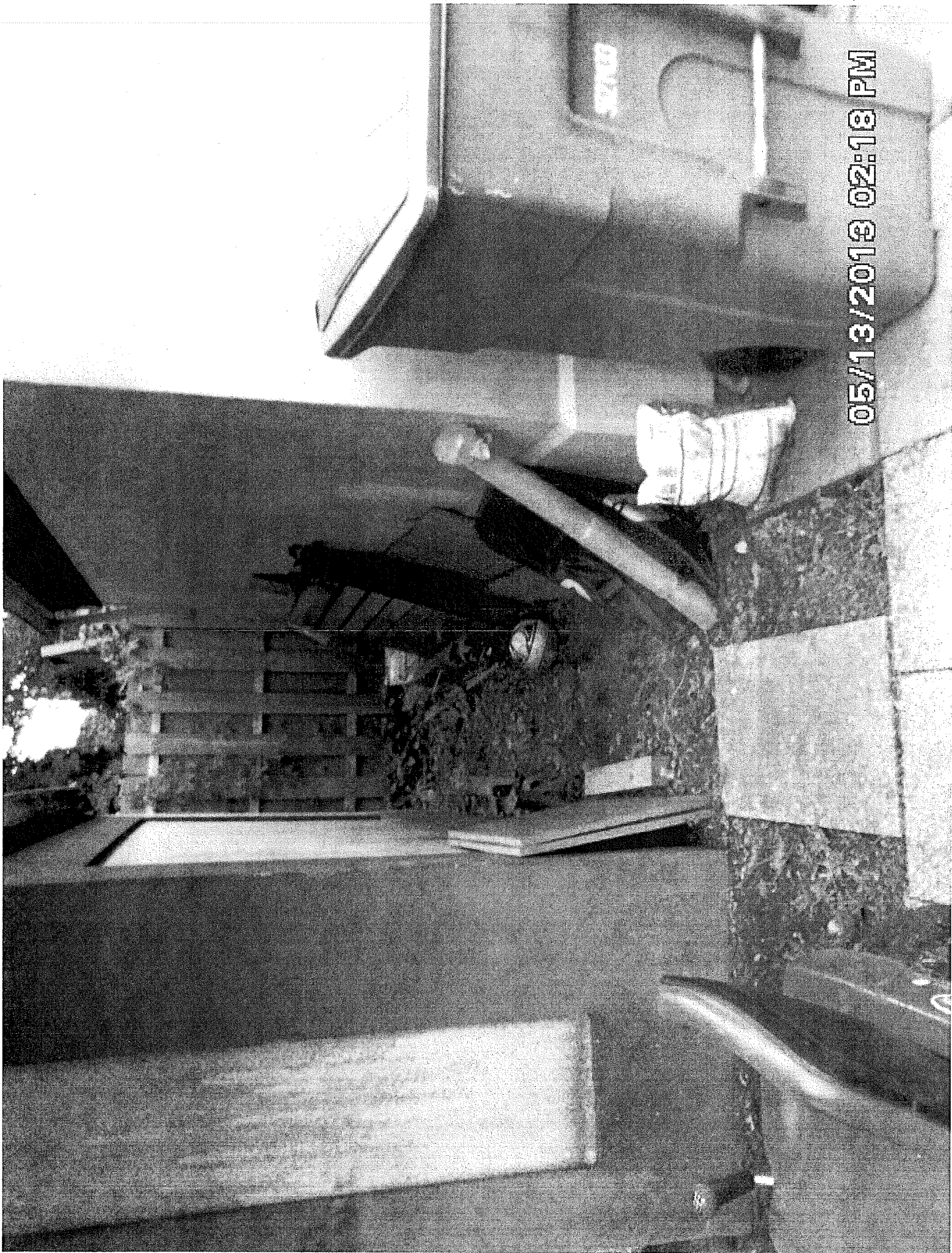
You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-1993 or (703)324-1300.

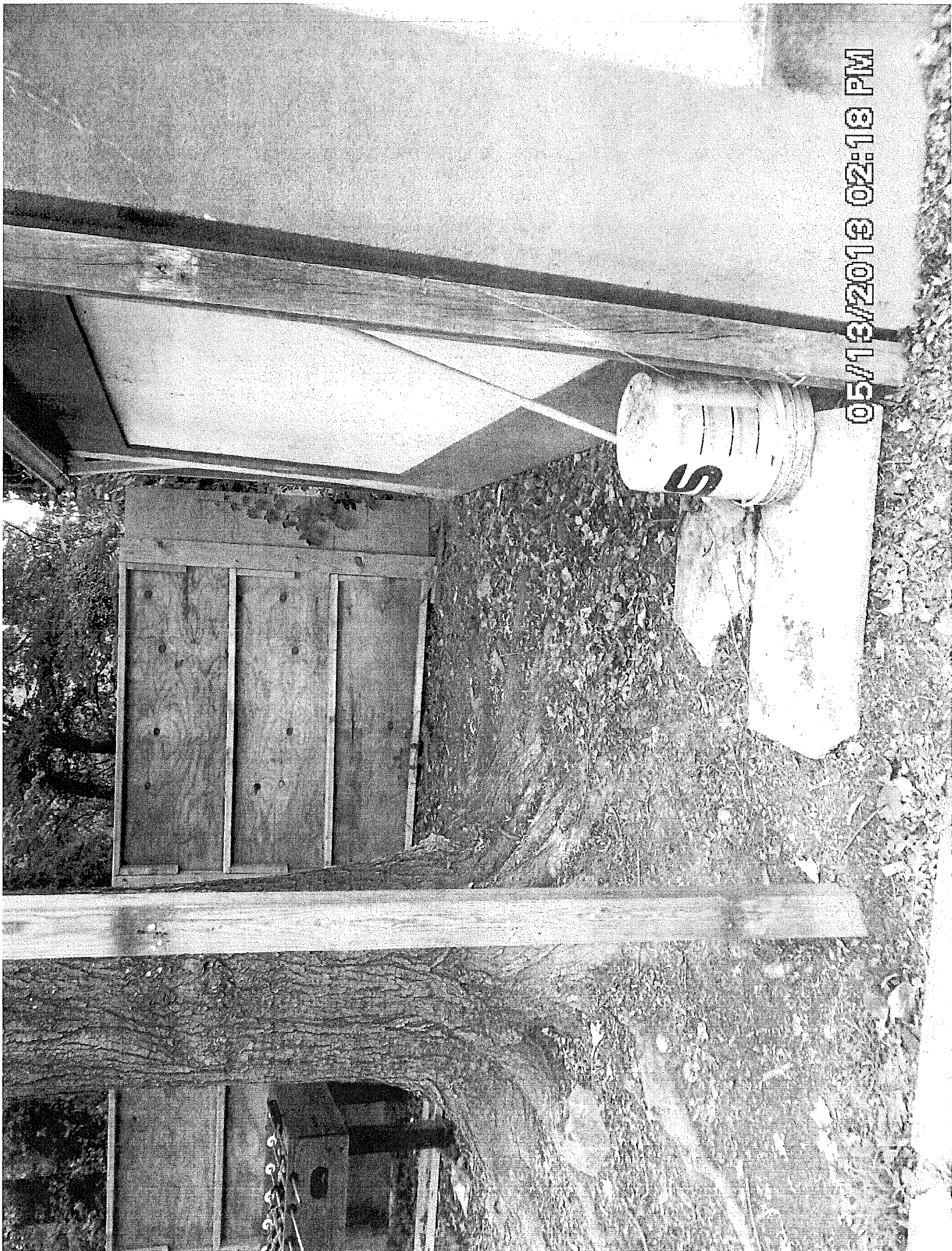
Sincerely,

John Comiskey
Code Compliance Investigator

05/13/2018 02:18 PM



05/13/2013 02:18 PM



05/18/2018 02:18 PM



05/18/2013 02:18 PM

11111





County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION Virginia Uniform Statewide Building Code

DATE OF ISSUANCE: April 09, 2012

METHOD OF SERVICE: OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO: Jaime W. Zambrana

ADDRESS: 7201 Pine Drive
Annandale, VA 22003

TAX MAP REF: 0711 07C 0001

LOCATION OF VIOLATION: 7201 Pine Drive
Annandale, VA 22003

CASE #: 201108341 **SR#:** 78813

You were issued a Corrective Work Order on January 30, 2012 for violations of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011. Staff confirmed on April 9, 2012 that the violations itemized below remain.

Explanation: On January 23, 2012, County staff inspected the above referenced premises and discovered that a shed over two hundred square feet and a detached accessory structure with electrical and plumbing have been built. This regulated work was performed without the issuance of the required permit or permits, inspections, and approvals.

Order: Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permits, inspections, and approvals for the work described above or demolition of same at the above referenced address.

Corrective Action Required:

1. Apply for and obtain all necessary County Permits for the work described above within 30 calendar days from the date you receive this Notice, or obtain a County permit to demolish the work described above within the same timeframe.

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

2. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you received this notice.
3. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) has/have been abated.
4. Call (703)222-0455 to schedule all inspections related to this matter. Please reference CASE #: 201108341.

Note:

*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center
The Herrity Building
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035
Telephone: 703-222-0801

*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

You have the right to appeal this decision within 30 days to the Fairfax County Board of Building and Fire Prevention Code Appeals. Appeal application forms may be obtained by contacting:

Fairfax County Board of Building and Fire Prevention Code Appeals
Attention:
Secretary to the Fairfax County Board of Building and Fire Prevention Code Appeals
Office of Building Code Services
Department of Public Works and Environmental Services
12055 Government Center Parkway, Suite 444
Fairfax, Va. 22035-5504
Telephone: (703)324-1780

Failure to submit an application for appeal within the time limit established shall constitute acceptance of the code official's decision. Failure to correct these defects within the time limits specified shall result in enforcement action being taken under the applicable State and County Codes.

If you have any questions, would like to schedule an appointment to meet with me, or schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By: Ricky Antonowics
Technical Assistant to the Building Official
Department of Code Compliance

Signature: _____

CC: Case File
Chuck O'Donnell, Residential Inspections Branch Chief

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.